

### **REMARKS**

Applicants wish to thank Examiner Low and Supervisory Examiner Rada for the courtesies extended to Applicants' undersigned representative during the interview at the U.S. Patent & Trademark Office on February 19, 2008. During the interview, the Examiner's rejections and reading of Kubo et al. were clarified and various interpretations of claims 1, 3, 5, 6, 8, 11 and 12 were discussed for clarification purposes.

### **Summary of the Office Action**

This Amendment responds to the Office Action mailed on October 29, 2007. Claims 1 and 3-16 and new claims 17-20 are pending in this application. Accordingly, claims 1 and 3-16 are respectfully submitted for reconsideration by the Examiner, and new claims 17-20 are presented for the Examiner's review and consideration. No new matter has been added as the amendments and new claims are believed to be fully supported by the specification, claims and drawings as originally filed.

### **Rejections to the Claims Under 35 U.S.C. § 102(b)**

Claims 1 and 3-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by the applicant's admitted prior art ("AAPA"), JP-A-2002-337066, now U.S. Patent No. 6,578,750.

### **Claim 1**

Claim 1 was rejected in view of Figure 7 of applicants' disclosure as originally articulated in paragraph 12 of the Office Action dated October 5, 2006. Additionally, the Examiner stated that "the nose body of Kubo et al. (including portion 26) is housed in the upper portion 37 of the contact nose 36 especially in the position as clearly seen in Fig. 6." Office Action dated October 29, 2007; p. 3, lines 12-16.

Claim 1 has been amended to recite in part "a contact nose ...having an upper end and a leading end, including a cylindrical portion formed at its upper portion *such that the cylindrical portion defines a circular cylindrical bore extending from an interior of the*

*contact nose to the upper end, the nose body being housed in the circular cylindrical bore such that the contact nose is held slidably along the nail discharge port of the nose body.”*

Kubo et al. discloses a contact top 37 disposed in the outer periphery of the leading end portion of the nose 26. Kubo et al, Fig. 6; 5:32-33. Contact top 37, however, does not define a circular cylindrical bore. Hence, Kubo et al. fails to disclose a “contact nose” as recited by claim 1. Accordingly, Kubo et al. cannot anticipate claim 1.

### **Claims 3-7**

Claims 3-7 depend or ultimately depend from claim 1, and thus are believed patentable over Kubo et al. for the same reasons as claim 1 as well as the additional features they recite.

### **Claim 8**

Claim 8 was rejected for the reasons set forth in paragraph 9 of the Office Action dated March 26, 2007. Additionally, the Examiner stated that the upper portion 37 as designated on page 4 of the Office Action dated October 29, 2007 is a “cylindrical portion”, and thus the applied nose body (26) is “circumferentially received” within the applied contact nose (36).

Applicants respectfully traverse. Claim 8 recites, in part, a power-driven nailing machine comprising...*a nail supply mechanism disposed between the driving cylinder and the fourth end of the nose body such that the nail supply mechanism supplies the at least one-sized nail to the nose body, the nail supply mechanism being configured and dimensioned to accommodate only nails having a length less than or equal to the distance measured along the longitudinal axis from the leading end of the contact nose to a farthest extent of the radial enclosure.*<sup>1</sup>

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<sup>1</sup> The specification on page 8, lines 5-8, states that a nail supply mechanism 10 supplies connected nails N to the discharge port 7 of the nose body. Lines 5-18 on the same page disclose that the length of the straight guide portion 17 of the leading end discharge port 12 of the contact nose 13 is made longer than a maximum sized nail which can be used in the nailing machine. The specification continues on page 10, lines 12-17 to state that the leading end P and head H are placed within the length of the straight guide portion 17 so that nail N is held in a vertical status. Thus, the specification discloses that the nail supply mechanism is configured and dimensioned to accommodate only nails having a length less than or equal to the distance measured along the longitudinal axis from the leading end of the contact nose to a farthest extent of the radial enclosure. For this reason, the length of the straight guide portion (17) and the “radial enclosure” recited in claim 8 inter-relate to the structure of the nail supply mechanism.

The Examiner's rejection fails to articulate how Kubo et al discloses the recited "nail supply mechanism" of claim 8. Accordingly, the rejection fails to disclose each and every limitation of claim 8, and thus should be withdrawn.

#### **Claims 9-16**

Claims 9-16 depend or ultimately depend from claim 8, and thus are believed patentable over Kubo et al. for the same reasons as claim 1 as well as the additional features they recite.

#### **Rejections to the Claims Under 35 U.S.C. § 103(a)**

Claims 1-16 are rejected under 35 U.S.C. § 103(a) as obvious over AAPA in view of Kristiansen (1,241,996) for the same reasons as set forth in paragraph 11 of the Office Action dated March 26, 2007. In addition to the reasons set forth in the Amendment dated December 26, 2006, Applicants respectfully disagree as follows.

#### **Claims 1 and 8**

As stated above AAPA fails to disclose a "contact nose" as recited by claim 1 or "a nail supply mechanism" as recited by claim 8.

Kristiansen discloses a tool for nailing parquet floors, but does not disclose or suggest a "contact nose" as recited by claim 1. Although Kristiansen shows a nail guide 19 in the form of a tube, the nail guide can accept and deliver nails longer than the outlet into the flared cup portion 16. Thus, Kristiansen does not disclose or suggest a "nail supply mechanism" as recited by claim 8. For this reason, Kristiansen fails to remedy the deficiency of Kubo et al. Accordingly, the rejection of claims 1 and 8 under 35 U.S.C §103 should be withdrawn.

**Claims 3-7 and 9-16**

Claims 3-7 and 9-16 depend or ultimately depend from claim 1 or 8, and thus are believed patentable over Kubo et al. and Kristiansen for the same reasons as claim 1 or claim 8 as well as the additional features they recite.

**New Claims 17-20**

New claims 17-20 depend from claim 8 and recite additional features of the claimed power-driven nailing machine. Accordingly, claims 17-20 are believed patentable over the cited reference and AAPA for the same reasons as claim 8, as well as for the respective features they recite. New claims 17-20 are believed supported by the specification and drawings as originally filed. Thus, Applicants submit that there is no issue of new matter.

**CONCLUSION**

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance, and thus request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:

  
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Arthur M. Antonelli  
Reg. No. 51,410

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**Customer No.: 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone: 202-739-3000  
Facsimile: 202-739-3001